

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE VALVE ANTITRUST LITIGATION

No. 2:21-cv-00563-JNW

**DECLARATION OF BLAKE MARKS-  
DIAS IN SUPPORT OF VALVE  
CORPORATION'S MOTION TO SEAL  
SUMMARY JUDGMENT FILINGS**

Blake Marks-Dias states and declares as follows:

1. I am over 18 years of age, I have personal knowledge of the matters stated herein and I am competent to testify to these matters.

2. I am one of the attorneys representing Defendant Valve Corporation ("Valve"), and I make this Declaration in support of Valve Corporation's Motion to Seal.

3. Valve moves to maintain under seal documents or portions of documents that contain information in one or more of the following categories: (1) confidential Valve financial information; (2) confidential third-party business and financial information; (3) third-party proprietary business information; (4) contracts with third parties and related communications; (5)

DECLARATION OF BLAKE MARKS-DIAS IN SUPPORT OF  
VALVE CORPORATION'S MOTION TO SEAL – 1

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1 Steam revenue share information; (6) Valve's confidential internal strategy, analysis, and  
2 information; (7) personally identifiable information; (8) information purchased from data vendors  
3 solely for litigation use; and (9) market share and size information.

4 4. Valve has prepared highlighted versions of 26 documents for the Court's review  
5 (the "Sealed Documents"). Valve's proposed redactions are highlighted for ease of reference, similar  
6 to the Court's highlighting in Dkt. Nos. 237 and 237-1. Valve's proposed redactions are highlighted  
7 in yellow, except in the case of deposition transcripts that already included yellow highlighting. In  
8 those instances, Valve's proposed redactions are highlighted in blue (where a blue highlight appears  
9 over a yellow highlight, Valve's proposed redactions appear green).

10 5. The Sealed Documents attached to this Declaration and filed under seal are the  
11 following:

- 12 • Exhibit 1, Dkt. 449, Valve's Motion to Exclude Testimony of Steven Schwartz;
- 13 • Exhibit 2, Dkt. 450.1 & Dkt. 454.11, April 25, 2025 Expert Report of Steven  
14 Schwartz;
- 15 • Exhibit 3, Dkt. 450.2 & Dkt. 454.2, January 27, 2025 Expert Report of Steven  
16 Schwartz;
- 17 • Exhibit 4, Dkt. 450.3 & Dkt. 454.4, April 22, 2025 Corrected Expert Report of  
18 Lesley Chiou;
- 19 • Exhibit 5, Dkt. 450.4, Schwartz Merits Deposition Transcript Excerpt;
- 20 • Exhibit 6, Dkt. 450.6, Humble Presentation;
- 21 • Exhibit 7, Dkt. 450.9, Epic Games Presentation;
- 22 • Exhibit 8, Dkt. 450.11, March 26, 2025 Expert Report of Ashley Langer;
- 23 • Exhibit 9, Dkt. 450.13 & Dkt. 454.8, March 7, 2025 Expert Report of Steven  
24 Schwartz;

- Exhibit 10, Dkt. 450.14, March 26, 2025 Expert Report of Hal Schroeder;
- Exhibit 11, Dkt. 451, Valve's Motion to Exclude Testimony of Joost Rietveld;
- Exhibit 12, Dkt. 452.1, Rietveld Merits Deposition Transcript Excerpt;
- Exhibit 13, Dkt. 452.2 & Dkt. 454.5, March 26, 2025 Expert Report of Joost Rietveld;
- Exhibit 14, Dkt. 452.3, January 27, 2025 Expert Report of Joost Rietveld;
- Exhibit 15, Dkt. 452.5, April 25, 2025 Expert Report of Joost Rietveld;
- Exhibit 16, Dkt. 452.7, E. Johnson Deposition Transcript Excerpt;
- Exhibit 17, Dkt. 452.8, Letter from C. Schenck to Rep. Trahan;
- Exhibit 18, Dkt. 452.9, Letter from L. Lavery to Sen. Warner;
- Exhibit 19, Dkt. 453, Valve's Motion for Summary Judgment;
- Exhibit 20, Dkt. 454.1 & Dkt. 456.1, January 27, 2025 Expert Report of Gautam Gowrisankaran;
- Exhibit 21, Dkt. 454.3, Lynch Deposition Transcript Excerpt;
- Exhibit 22, Dkt. 454.6, March 26, 2025 Rebuttal Expert Report of Gautam Gowrisankaran;
- Exhibit 23, Dkt. 454.7, Schwartz Merits Deposition Transcript Excerpt;
- Exhibit 24, Dkt. 454.12, Steam Distribution Agreement;
- Exhibit 25, Dkt. 456.2, May 5, 2025 Corrected Reply Expert Report of Gowrisankaran; and
- Exhibit 26, Dkt. 456.3, Gautam Gowrisankaran Merits Deposition Transcript.

6. A small number of the Sealed Documents contain an overwhelming amount of highly confidential information that makes redacting impractical. Valve is requesting these documents be sealed in their entirety. There are no less restrictive alternatives possible because

disclosure even with near complete redaction would still reveal the substance of the confidential information. Specifically, these documents are:

- Exhibit 6, Dkt. No. 450.6 is an internal presentation produced by third party Humble Bundle and designated “Highly Confidential – Attorneys’ Eyes Only” by Humble Bundle at the time of production. Humble Bundle filed an unopposed motion to seal on August 7, 2025. (Dkt. 498).
- Exhibit 7, Dkt. No. 450.9 is an internal presentation produced by third party Epic Games and designated “Highly Confidential – Attorneys’ Eyes Only” by Epic Games at the time of production.

7. Valve’s counsel conferred with Plaintiffs’ counsel by videoconference on July 25, 2025 and August 4, 2025 regarding the need to maintain the Sealed Documents under seal. As a result of the meet-and-confer, Plaintiffs agreed in part and disagreed in part with Valve’s proposed redactions to the Sealed Documents.

8. Attached as Exhibit 27 (filed under seal) is a table summarizing the parties’ positions on documents where full agreement could not be reached.

9. Pursuant to LCR 5(g)(3), Valve is moving to seal material designated under the Protective Order by third parties and information related to third parties: Exhibits 6 and 7 above (Dkts. 450.6 and 450.9). Valve takes no position on whether this material merits sealing but moves to seal it to provide third parties an opportunity to show any reason for sealing these materials. Valve has redacted this material in the proposed redactions submitted herewith to provide third parties with an opportunity to set forth any reason for keeping materials under seal.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

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1 DATED this 7th day of August, 2025 at Seattle, Washington.

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3 s/ Blake Marks-Dias

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# **EXHIBIT 1**

**(FILED UNDER SEAL)**

## **EXHIBIT 2**

**(FILED UNDER SEAL)**

## **EXHIBIT 3**

**(FILED UNDER SEAL)**



**EXHIBIT 4**

**(FILED UNDER SEAL)**

**EXHIBIT 5**

**(FILED UNDER SEAL)**

**EXHIBIT 6**

**(FILED UNDER SEAL)**

**EXHIBIT 7**

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**EXHIBIT 8**

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**EXHIBIT 9**

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**EXHIBIT 12**

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**EXHIBIT 27**

**(FILED UNDER SEAL)**